

## Article - Natural Resources

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§8–1103.

(a) (1) There is an Ocean Beach Replenishment Fund, consisting of moneys appropriated for that purpose in the State budget or in any bond enabling act and any money contributed by local jurisdictions in accordance with this section.

(2) The Fund shall be maintained for the purposes stated in this section, and unspent portions of any appropriations to the Fund shall remain in the Fund and may not revert to the General Fund and any project or program funded under this subtitle is not subject to the provisions of §§ 7–305(d)(3) and 8–128(c) of the State Finance and Procurement Article.

(3) Any interest earned by the State on any funds contributed by local jurisdictions shall:

(i) Accrue to the Fund; and

(ii) Be applied to reduce the annual maintenance payments of the local jurisdictions.

(b) The Board of Public Works, upon the recommendation of the Secretary, may expend moneys appropriated from the Fund, directly or through loans or grants to local jurisdictions, for the following types of projects on Maryland's ocean beaches:

(1) Bulkhead construction;

(2) Dune restoration or construction;

(3) Beach replenishment; and

(4) Land acquisition necessary to accomplish any of the types of projects in this subsection.

(c) Funds shall be expended only upon projects that further an integrated plan that has been approved by the Secretary as providing protection against storm and flood events.

(d) The eligible costs of a project for State financial assistance under this subtitle may include the costs of reports, plans, specifications, legal and administrative services, equipment, construction, rehabilitation, or improvement.

Bond proceeds appropriated to the Fund may not be used for project administrative costs. Costs for periodic additions of sand or other elements necessary to maintain the structural integrity of a project shall be eligible for financial assistance.

(e) The State shall assume 100% of the costs of any land acquisition project. State assistance for any other type of authorized project may not exceed 50% of nonfederal costs.

(f) All projects receiving State assistance under this subtitle shall be designed and managed by the Department, which shall consult with the project sponsors.

(g) Any accretion to existing beaches resulting from activities assisted by the Fund shall be deemed natural resources of the State, and title to any accretion is vested in the Department. Land created by any accretion to or replenishment of any ocean beach in Maryland is not vacant land within the meaning of the Real Property Article, and the Commissioner of Land Patents may not issue any patent for land so created.

(h) Grants or loans for project construction may not be authorized under this section until the Department and the Board of Public Works approve the following items as submitted by the municipality or county, as appropriate, in which the project is located:

(1) An approved description of the project together with a financing plan;

(2) A guarantee of the portion of costs not provided by State and federal assistance;

(3) An agreement to be responsible for beach cleaning, policing, and lifeguard services on any restored or protected beach;

(4) An agreement to convey at no cost to the State any lands or easements granted to the county or municipality and necessary for beach replenishment or dune restoration or construction purposes; and

(5) Local ordinances and codes relating to building setbacks, piling depths, structural techniques for minimizing wind and storm damage, and building after storm damage.

(i) The financing plan submitted by the municipality and county in which the project is located shall:

(1) Set forth a binding percentage allocation between the municipality and the county of the project costs not provided by State and federal assistance;

(2) Set forth the revenue sources to be relied upon to provide the local costs, which without limitation may include:

(i) As to the county:

1. The recordation tax authorized by Title 12 of the Tax – Property Article;

2. The admissions and amusement tax authorized by § 4–102(b) of the Tax – General Article;

3. The county income tax authorized by § 10–103 of the Tax – General Article;

4. State–collected, locally–shared taxes or designated portions of the taxes;

5. Taxes authorized by the Tax – Property Article; and

6. Revenues raised by establishment of an erosion control district established pursuant to §§ 21–202, 21–204, and 21–210 of the Local Government Article; and

(ii) As to the municipality:

1. Taxes authorized by the Tax – Property Article;

2. Fees and charges authorized by § 5–205(d) of the Local Government Article or the municipality’s charter; and

3. The admissions and amusement tax authorized by § 4–102(c) of the Tax – General Article; and

(3) Be accompanied by a guaranty of the municipal and county share of such costs duly ratified by the governing body of each subdivision.

(j) In the event the county or municipality fails to raise or to pay to the State all or any portion of its percentage of the costs of a project as established by a financing plan within 6 months of the certification of costs by the State Comptroller, the State Comptroller shall cause to be withheld from State–collected, locally shared

taxes, and, to the extent necessary, from the State aid for police protection provided by Article 41, Title 4, Subtitle 4 of the Code to which the county or municipality would otherwise be entitled, for the following fiscal year, a sum sufficient to reimburse the State for any sum remaining unpaid, together with interest on the unpaid amount at the rate of 10% per annum from the date of the certification by the State Comptroller.

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